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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,295	11/03/2000	Ronald B. Lavochkin	4136-20CPRE	6742

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02/21/2003

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EXAMINER

LEO, LEONARD R

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/706,295

Applicant(s)

LAVOCHKIN, RONALD B.

Examiner

Leonard R. Leo

Art Unit

3743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-9.

Claim(s) objected to: _____.

Claim(s) rejected: 10-16 and 19-32.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

Leonard R. Leo
Leonard R. Leo
Primary Examiner
Art Unit: 3743

Continuation of 10. Other:

The proposed amendment after final will not be entered, because the amendment does not comply with 37 CFR 1.173(b). see MPEP 1453

Furthermore, applicant's amendment is non-responsive with respect to claims 19-32. See 37 CFR 1.111.

Lastly, the declaration is believed to be defective, in that the stated error of claim 1 is insufficient. There appears to be no difference between the alleged error of claim 1 and claim 10.

Claim 1 recites "said fluid conduit having a flattened surface which is substantially coplanar with said one surface of said heat sink base member, the heat generating component being disposed in direct contact with said one surface of said heat sink base member and *in overlying abutting relation* with said flattened surface for establishing direct thermal contact between the heat generating component and said flattened surface."

Claim 10 recites "said fluid conduit having ... a flattened [upper] surface which is substantially coplanar with said first surface of said heat sink base member whereby the heat generating component may be disposed in direct contact with said first surface of said heat sink base member and with said flattened surface for establishing direct thermal contact between the heat generating component and said flattened surface."

Considering each claim "as a whole," elimination of the recitation of "in overlying abutting relation" does not broaden or narrow the scope of the claim. In both claims, a flattened surface of the fluid conduit and the top surface of the heat sink base are "substantially coplanar," and the heat generating component is disposed in "direct contact" with both of the aforementioned surfaces "for establishing direct thermal contact between the heat generating component and said flattened surface." None of the claims specifically recite how much of the heat generating component contacts the flattened surface of the fluid conduit. Clearly, the disclosure of the patent is to maximize the thermal contact between the fluid conduit and heat generating component to minimize losses.